



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 55

AS ENACTED

THURSDAY, MARCH 23, 2006

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Soller

AN ACT relating to smoking.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 61.165 is amended to read as follows:

2 **(1)** Except as otherwise specified for the Capitol and Capitol Annex in KRS 61.167, a
 3 policy for smoking in governmental office buildings or workplaces ~~shall~~~~may~~ be
 4 adopted by state government. This policy shall apply to all state-owned or
 5 operated office buildings, workplaces, and facilities, including but not limited to
 6 state-operated hospitals and residential facilities for the mentally retarded, state-
 7 operated veterans' nursing homes and health facilities, and any correctional
 8 facility owned, operated, or under the jurisdiction of the state~~[, county, municipal,~~
 9 ~~special district, or urban-county governments].~~

10 **(2)**~~(1)~~ Except as otherwise specified for the Capitol and Capitol Annex in KRS
 11 61.167, any policy relating to smoking in state office buildings or workplaces shall~~[-~~
 12 ~~(a) —~~ be by executive order of the Governor or action of the General Assembly,
 13 **and shall:**

14 **(a)** ~~1.~~~~(b)~~ Require the governmental authority to provide accessible indoor
 15 smoking areas in any buildings where smoking is otherwise restricted;
 16 and

17 ~~2.~~~~(c)~~ Favor allowing smoking in open public areas where ventilation
 18 and air exchange are adequate and there are no restrictions otherwise
 19 placed on the area by the state fire marshal or other similar authority; **or**

20 **(b)** **Prohibit indoor smoking.**

21 **(3)**~~(2)~~ **Except as otherwise specified for the Capitol and Capitol Annex in KRS**
 22 **61.167, a policy for smoking in governmental office buildings or workplaces may**
 23 **be adopted by county, municipal, special district, urban-county, charter county,**
 24 **or consolidated local governments. Any policy adopted under this subsection may**
 25 **apply to any office buildings, workplaces, or facilities that are owned, operated,**

1 or under the jurisdiction of that government, including but not limited to jails
 2 and detention facilities. Any policy relating to smoking in governmental office
 3 buildings or workplaces of counties, municipalities, special districts,~~[-or]~~ urban-
 4 county governments, charter county governments, or consolidated local
 5 governments shall~~[-~~:

6 ~~(a) —~~ be adopted in writing by the legislative body of the government and shall:

7 (a) 1.;~~(b) —~~ Be in writing;

8 ~~(c) }~~ Require the government authority to provide accessible indoor smoking areas
 9 in any buildings where smoking is otherwise restricted; and

10 2.;~~(d) }~~ Favor allowing smoking in open public areas where ventilation
 11 and air exchange are adequate and there are no restrictions otherwise
 12 placed on the area by the state fire marshal or other similar authority; or

13 (b) Prohibit indoor smoking.

14 (4) Each board of regents or trustees for each of the state postsecondary education
 15 institutions shall adopt a written policy relating to smoking in all buildings
 16 owned, operated, or under the jurisdiction of the state postsecondary education
 17 institutions that shall:


18 (a) 1. Provide accessible indoor smoking areas in any buildings where
 19 smoking is otherwise restricted; and

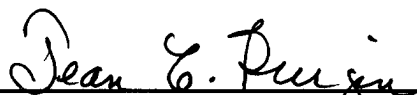
20 2. Favor allowing smoking in open public areas where ventilation and
 21 air exchange are adequate and there are no restrictions otherwise
 22 placed on the area by the state fire marshal or other similar authority;
 23 or


24 (b) Prohibit indoor smoking.

25 ~~[(3) This section shall not apply to state universities, state-operated hospitals and~~
 26 ~~residential facilities for the mentally ill and the mentally retarded, state-operated~~
 27 ~~veterans' nursing homes and health facilities, and jails or detention facilities.]~~


Speaker-House of Representatives


President of the Senate

Attest: 
Chief Clerk of House of Representatives

Approved 
Governor

Date 